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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/442,791	11/18/1999	STEVEN D. IMS	RSW990108	6399

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JEANINE S RAY-YARLETTS
IBM CORP DEPT T81 BLDG 062
P O BOX 12195
RESEARCH TRIANGLE PARK, NC 27709

EXAMINER

NAJJAR, SALEH

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 09/29/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/442,791

Applicant(s)

IMS ET AL.

Examiner

Saleh Najjar

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-12,14-23,25-34,36 and 37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-12,14-23,25-34,36 and 37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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1. This action is responsive to amendment filed on July 23, 2003. Claims 1, 12, 23, and 34 were amended. Claims 2, 13, 24, and 35 were canceled. Claims 1, 3-12, 14-23, 25-34, and 36-37 are pending.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1, 3-12, 14-23, 25-34, and 36-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Himmel, U.S. Patent No. 6,167,441.

Himmel teaches the invention as claimed including customization of WEB pages based on requester type (see abstract).

As to claim 1, Himmel teaches a method in a data processing system, comprising the steps of:

receiving, from a client, a request for a host screen; navigating to the host screen; retrieving the host screen (see fig. 2; col. 4-5, Himmel discloses receiving a request for a host screen and retrieving the requested web page);

formatting the host screen. into a formatted host screen, wherein the formatted host screen. displays selectable links to other screens within a host s tem; and sending the formatted host screen to the client (see col. 7, lines 30-55, Himmel discloses retrieving a requested web page and reformatting it based on the requester type and sending it to the client).

As to claim 3, Himmel teaches the method as recited in claim 1, wherein the step of navigating to the host screen comprises retrieving at least one intermediate screen in order to retrieve the host screen (see col. 7-8, Himmel discloses the client type can be determined using an intermediate screen or a submittable form).

As to claim 4, Himmel teaches the method as recited in claim 1, further comprising:

responsive to a determination that variable data is needed to navigate to the host screen, sending to the client a submittable form containing text fields that may be filled in by a user; and responsive to receiving the variable data from the client, using the variable data to retrieve the host screen (see col. 7-9).

As to claims 5-6, Himmel teaches the method as recited in claim 1, wherein the client is a portable data processing system and wherein the portable data processing system is a wireless system (see col. 5-6).

As to claim 7, Himmel teaches the method as recited in claim 3, wherein the intermediate screen is not presented to the user (see col. 5-7, Himmel teaches that a snooper may be downloaded to the client to discover the client capabilities without the user interaction).

As to claim 8, Himmel teaches the method as recited in claim 3, wherein appropriate entries are made in the at least one intermediate screen in order to navigate to the host screen (see col. 5-6, Himmel discloses that one of the methods used to determine the client type is through a submittable form).

As to claims 9-11, Himmel teaches the method as recited in claim 1, wherein the formatting step formats the host screen into a markup language wherein, the markup language is an extensible markup language, and wherein the markup language is a hypertext markup language (see col. 1; 5-6).

Claims 12, 14-23, 25-34, and 36-37 do not teach or define any new limitations above claims 1, 3-11 and therefore are rejected for similar reasons.

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4. Applicant's arguments with respect to claims 1-12, 14-23, 25-34, and 36-37 have been considered but are moot in view of the new ground(s) of rejection.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saleh Najjar whose telephone number is (703) 308-7613. The examiner can normally be reached on Monday-Friday from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Ario Etienne*, can be reached on (703) 308-7562. The fax phone number for this Group is (703) 308-9052.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600. The central official fax number for the group is (703) 872-9306.

A handwritten signature in black ink, appearing to read 'Saleh Najjar', with a stylized, cursive script.

Saleh Najjar

Primary Examiner / Art Unit 2157